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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,088	11/26/2003	Heinz Scherer	21334-1277	7886
29450	7590	01/13/2005	EXAMINER	
BARLEY SNYDER, LLC 1000 WESTLAKES DRIVE, SUITE 275 BERWYN, PA 19312			GILMAN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,088	Applicant(s) SCHERER ET AL.	
	Examiner Alexander D Gilman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Woertz.

With regard to claims 1, 9. Woertz (US 3,720,778) discloses a connector for contacting a conductor of a cable, the connector comprising:

a receptacle (36) for receiving the cable; and

a contacting device (61-65) adapted to be placed on the receptacle and having at least one piercing contact (68) for contacting the conductor of the cable, the contacting device being adapted to be placed on the receptacle such that the piercing contact (61) comes to lie in a freely selectable position in the receptacle, in order to contact the conductor of the cable received in the receptacle.

With regard to claim 2, Woertz discloses that the contacting device comprises a plurality of piercing contacts (r.n. 68 and piercing portions of 61-65) arranged in a line with constant spacing for contacting a corresponding number of equally spaced conductors of a ribbon cable, the line of piercing contacts being adapted to be oriented relative to the receptacle such that the spacing between the piercing contacts in a direction across the ribbon cable corresponds exactly to the spacing between the conductors in the ribbon cable.

With regard to claim 3, Woertz discloses that the contacting device is in two parts and comprises a holder (31), adapted to be placed on the receptacle in a predetermined position, and a rotary unit (61) mounted rotatably in the holder and having the piercing contacts (68) arranged thereon.

With regard to claims 6, 7 Woertz discloses that the contacting device comprises a seal (69) against water and dust particles between holder and rotary unit.

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With regard to claim 8, Woertz discloses that the piercing contacts are connected to socket contacts of a socket or plug contacts of a plug of the contacting device.

With regard to claim 10, the contacting device (61) is rotatable about a fixed axis (a longitudinal axis of 61) to change the relative position of the contact with respect to the conductor

Allowable Subject Matter

Claims 4, 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including the contacting device having markings thereon identifying particular positions of the rotary unit relative to the holder(claim 4);.

the contacting device comprising a latching means for fixing the rotary unit in particular positions in the holder (claim 5).

Response to Arguments

Applicant's arguments filed 11/03/2004 have been fully considered but they are not persuasive.

With regard to claim 1, Applicants argue that the prior art (Woertz et al) does not allow the contact to lie in a freely selectable position in the receptacle.

However, by rotation 61, the contact 68 is freely moved in a vertical direction. Hence, the piercing contact can change its position in a direction perpendicular to the cable. Since it is not claimed that the relative position of the piercing contact can be changed in a plane perpendicular to the piercing direction, the claim 1 limitation deems to be met.

With regard to claim 3, Applicants argue that in the prior art (Woertz et al) the tip (68) would not be considered a piercing contact. To the contrary, According to Applicants, a piercing contact should be the entire conductive spike (or screw) and not merely its tip.

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However, it is not claimed that the rotary unit and piercing contact are different elements. It is considered that a portion of 61 is a piercing contact 68. According, for example, to The Heritage Dictionary, "a contact is a part or device that makes or breaks an electrical connection".

Also, with regard to claim 3, Applicants argue that the prior art (Woertz et al) does not present a plurality of piercing contacts. However, as it shown in the Office action Woertz et al present a plurality of piercing contacts (r.n. 68 and piercing portions of 61-65).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

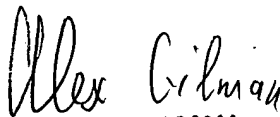
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/04/2005


ALEXANDER GILMAN
PRIMARY EXAMINER